Princes and territories in medieval Germany

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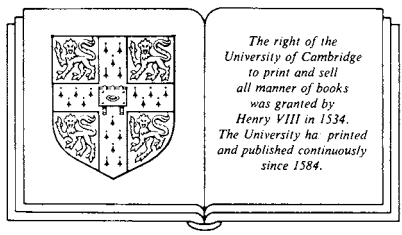

CAMBRIDGE UNIVERSITY PRESS
Cambridge
New York Port Chester Melbourne Sydney

PUBLISHED BY THE PRESS SYNDICATE OF THE UNIVERSITY OF CAMBRIDGE
The Pitt Building, Trumpington Street, Cambridge, United Kingdom

CAMBRIDGE UNIVERSITY PRESS
The Edinburgh Building, Cambridge CB2 2RU, UK
40 West 20th Street, New York NY 10011–4211, USA
477 Williamstown Road, Port Melbourne, VIC 3207, Australia
Ruiz de Alarcón 13, 28014 Madrid, Spain
Dock House, The Waterfront, Cape Town 8001, South Africa

http://www.cambridge.org

First published 1991
First paperback edition 2002

A catalogue record for this book is available from the British Library

Library of Congress Cataloguing in Publication data
Arnold, Benjamin.
Princes and territories in medieval Germany / Benjamin Arnold.
p. cm.
ISBN 0 521 39085 0
1. Germany – Politics and government – To 1517. 2. Germany – Nobility. I. Title.
DD114.A75 1991
943–dc20 90-33134 CIP

ISBN 0 521 39085 0 hardback
ISBN 0 521 52148 3 paperback

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Introduction

This book is essentially addressed to a single question arising from the intricate political history of the medieval western Empire: why did Germany evolve into a multiplicity of autonomous states under secular dynasties, urban authorities, and prince-bishops, becoming a species of aristocratic congeries in which the crown enjoyed enormous prestige but minimal authority? In my view, one answer to this is to be found not in the realm of high politics, but in the vigorous consolidation of princely jurisdictions in the German regions, a complex process which took significant new directions between the later eleventh and the earlier fourteenth centuries. The aim of the book is to examine those directions, and to try to uncover the causes for them. This pursuit involves the study of Germany's political and juridical institutions in the Middle Ages, but the threatening aridity of such an approach is, I hope, tempered by delineations of the princes and dynasties, churchmen, and kings whose careers actually gave life to those institutions. It has clearly to be stated that there is no intention of serving up a 'total history' of the medieval German aristocracy. The material to be presented concerns aristocratic politics, princely and episcopal territories, and highly placed persons. There is nothing here about the cultural background and achievements of the German princes and their courts as centres of patronage and creativity in many of the arts, a huge subject with rich sources of its own. There is not much social and economic history of the nobility as a class or order either, although the changing structure of their families is discussed in chapter 8 and the economic foundations of their regional power is outlined in chapter 9.

The chronological scope of the book is intentionally quite limited too. The reason for this is to facilitate concentration upon the fundamental institutional changes which occurred in Germany in the twelfth and thirteenth centuries, and from which the territorial structure inexorably followed. But some of the consequences affecting the

anatomy of princely Germany in the fourteenth and fifteenth centuries are sketched out in chapters 12 and 13. For similar reasons the period before 1050 is not considered in any great detail either. This may come as a surprise to some readers, especially since Karl Leyser has cogently pointed out that before 1100 the history of German society 'is for the most part the history of the German aristocracy, clerical and lay. For no other social group do we possess the materials and the resources to form a coherent picture.'[1] However, certain themes have necessarily been given a more thorough airing in their eleventh- and even tenth-century phases: the relation between the crown and the imperial Church (chapters 1 to 3, and 10), the royal *iter* (chapter 2), the function of the duchies (chapters 1, 2, and 5), the controversies about counties (chapter 6), and about aristocratic kindreds (chapter 8). The motive for this sort of discussion is a simple one. Without some analysis of the prior forms, the new relationships and connexions becoming apparent in twelfth-century aristocratic society would look much more obscure to the reader.

Just as the cultural history of the German princes could involve writing another volume, so too would a credible, detailed, and comprehensible presentation of their governing institutions, for which the evidence is becoming plentiful by the end of the thirteenth century:[2] the functions of their court personnel, their chanceries, their administrative officers, and their lawcourts, and above all, the interaction of princely governments with the *Landstände* or Estates which began to meet on a regular basis in many parts of Germany in the fourteenth century. In the prince-bishoprics the equivalent political force, often in conflict with the sees' incumbents, was provided by the cathedral chapters endowed with separate lands and with interests of their own to defend.[3] A notable feature of German princely politics in the era after 1100 was the great similarity of method employed by

[1] K. J. Leyser, 'The German aristocracy from the ninth to the early twelfth century. A historical and cultural sketch', *Past and Present* 41 (1968), 2 and in his *Medieval Germany and its Neighbours 900–1250*, London, 1982, p. 161.

[2] E.g. L. Schnurrer, *Urkundenwesen, Kanzlei und Regierungssystem der Herzöge von Niederbayern 1255–1340*, Münchener historische Studien. Abteilung geschichtliche Hilfswissenschaften, vol. 8, Kallmünz, 1972 and P. A. Sprinkart, *Kanzlei, Rat und Urkundenwesen der Pfalzgrafen bei Rhein und Herzöge von Bayern 1294 bis 1314 (1317)*, Forschungen zur Kaiser- und Papstgeschichte des Mittelalters. Beihefte zu J. F. Böhmer, Regesta Imperii, vol. 4, Cologne and Vienna, 1986.

[3] See e.g. R. Holbach, *Stiftsgeistlichkeit im Spannungsfeld von Kirche und Welt. Studien zur Geschichte des trierer Domkapitels und Domklerus im Spätmittelalter*, 2 parts, Trierer historische Forschungen, vol. 2, Trier, 1982 and G. Fouquet, *Das speyerer Domkapitel im späten Mittelalter (ca. 1350–1540). Adlige Freundschaft, fürstliche Patronage und päpstliche Klientel*, 2 parts, Quellen und Abhandlungen zur mittelrheinischen Kirchengeschichte, vol. 57, Mainz, 1987; F. Merzbacher, 'Domkapitel', HRG i, 757–61.

both secular dynasties and ecclesiastical magnates in consolidating their authority, as we shall see (chapters 3 to 6 and 9 to 13). Later on in the territorial history of Germany this was reflected in the similarity of political function shared by the *Landstände* and the cathedral chapters. As Hans Thieme has pointed out, the status of German principalities under their various clerical and lay rulers turned out to exhibit many parallels:[4]

> Very little intrinsic difference existed between the clerical and the secular principalities. Though the former occasionally proceeded jointly in pursuit of their interests and in the use made of their connexion with Rome, they still had much more in common with their lay brethren . . . What the Estates, *Landstände*, were to the secular princes, the cathedral chapters and electoral capitulations were to the ecclesiastical; certainly the former princes were generally enabled to free themselves sooner of these restrictions to their power than were the latter.

The chief purpose in undertaking this book was to provide a credible explanation for a political landscape generally regarded as much more intricate, complicated, even incomprehensible than any other kingdom in medieval Christendom. Why had this come about, considering that the social and political institutions, for example, kingship, manorialism, the Church, aristocratic domination, were reasonably similar to those of the other kingdoms, France or Castile, England or Sicily? A short answer often given is: 'Because the German crown did not prevail over the local authority of the princes', with the reigns of Henry IV (1056–1106) or Frederick II (1212–50) usually being cited as crucial times when the crown lost control over its centralizing opportunities. But this kind of answer can raise more problems than it solves, because the Church and aristocracy were much more often on the side of German kings and their policy rather than exhibiting disaffection or being in active revolt. Nor were those other west European kingdoms by any means exempt from rebellions, even palace revolutions, undertaken by aristocrats. So we can discern that the German princes were not hostile to royal rule after all, and that the crown had always envisaged the princes as colleagues rather than rivals in the admittedly daunting prospect of governing the huge and unwieldy German kingdom. It is also true that German medieval history is fraught with dangerous tensions between the royal court and princes with interests to defend in their provinces and dioceses. But this did not produce an explicit competition in which aristocratic

[4] H. Thieme, 'Reich, Reichsverfassung', HRG iv, 513.

ambition sought to overthrow royal authority altogether, as was to happen in seventeenth-century Poland or eighteenth-century England. Far from it. The German princes did not often usurp royal rights and prerogatives in the eleventh, twelfth, and thirteenth centuries. Instead, they grounded their local power upon autonomous institutional forms which they had inherited (see discussion in chapters 5 to 7 below), and which were never questioned as politically illegitimate or untraditional within the German framework. Furthermore, the royal court actually encouraged, in its own interests, the substantiation of princely regional jurisdiction (see chapter 10 below), particularly after the introduction of imperial *Landfrieden* or peace associations in 1103. In order that the peace-keeping role of the crown might be rendered efficacious, the princes themselves would have to carry out the measures as vassals and servants of the imperial court. This solution was made all the more inviting in that the crown lacked adequate personnel for detailed or central government of the Empire. In any case the German king had alternative and seemingly far more important functions as universal, transcendent Roman emperor and secular head of all Christendom. This too was fully accepted by the princes and had their practical support.

The intention in Part I, entitled *Crown and prince*, is therefore to demonstrate how the princes normally stood in relation to the crown and its inherited institutions, especially in the twelfth and thirteenth centuries (chapters 1 and 2), and to suggest that the increasing jurisdictional authority of the princes was regarded as traditional, legitimate, and essentially to the crown's own benefit. If this kind of explanation is justifiable, then it has consequences for the historian's model or theory of 'the rise of territorial lordship' (for example, Walter Schlesinger's remarkable monograph, first published in 1941, was called *Die Entstehung der Landesherrschaft*) as a phenomenon which actually caused the emergence of principalities under dynasties and prelates. This theory has been extremely influential in twentieth-century local history concerned with the medieval German provinces, but I hope to show in chapter 3 that it contains no fundamental explanatory validity at all, however useful it may remain as a description or label for the post-1100 concretion of aristocratic and ecclesiastical authority in Germany.

Since the medieval German princes cannot be said to have pulled down the power of the crown deliberately, why were they rather than kings the inheritors of governmental authority in Germany? I believe the answers lie in the regions themselves, where the economic and material opportunities offered to the Church and aristocracy in the

period after 1050 (discussed in detail in chapter 9) enabled them to build up their authority, with royal assent, to such an extent that the territorial principalities typical of the later Middle Ages (outlined in chapter 13) were the ineluctable result. In other words the German magnates constituted by tradition and inclination a creative political élite in their various provinces, and this motivated me to consider in detail in Part II, entitled *Princely title and office*, who these persons actually were, what their titles meant, and how the content and exercise of them changed so markedly, especially in the twelfth and thirteenth centuries. Inevitably there is much constitutional history here, since it is necessary to understand what duchies and counties were like in the tenth and eleventh centuries before we can see how radically they had changed course and shape, in their geographical scope, their jurisdictional effectiveness, and as military offices, by the early decades of the thirteenth century. I have also been struck again and again by the careers of princes as individuals, and hold that the moulding of Germany as a country of territorial states was in large part due to the savage energy and forceful personality traits exhibited by so many prelates and lay princes as well as by members of the imperial house who were active participants in the emergence of territorial principalities. One of the intentions in writing Part II was to sketch out what it was like to hold office as a bishop or a margrave, a count or an abbot, a duke or a count-palatine, some of whom belonged to the imperial houses, and to say something about how these princes actually operated behind their proud titles.

Since the territorial structure of Germany followed not from the fragmentation or usurpation of imperial authority but rather from the creative political and juridical outlook of the richer prelates and dynasts located in the various German regions, we need to survey those social, political, and economic forces which, with royal approval, played into the hands of the princes and aided the consolidation of their regional authority. This is the intention in Part III, entited *Dynasties, prelates, and territorial dominion*. It is no coincidence in chronology that several quite radical changes in aristocratic society outlined in chapters 8 to 11 complemented each other in building up the structures of princely regional power. In the first place, the inner design of aristocratic families was undergoing a process of change which reinforced the identification of dynasty with localities and with regional command (chapter 8). Secondly, churches and noble families as well as the imperial dynasty and the newly important towns were vastly enriched by a kind of economic 'take-off' beginning about

1050. The causes and results of this, especially in ways beneficial to princely power, have been analysed in chapter 9. But the area in which royal encouragement to princely authority can most clearly be discerned is in the realm of regional jurisdiction. In its energetic drive towards better justice, peace, and order in the Empire launched under the banner of the imperial *Landfrieden* from 1103, the crown enabled the bishops and secular princes to reform and reorganize their local jurisdictions, using old forms and names such as county jurisdiction and ecclesiastical advocacy, improving them with the tougher and potentially more efficient sanctions of the *Landfrieden*. Impressive legislation by Frederick Barbarossa, Frederick II, and his son Henry VII culminating in the Mainz *Reichslandfriede* of 1235 intentionally underwrote this strengthening of regional jurisdictions under princes clerical and lay (see chapter 10). It has also to be said that these remarkable increases in princely power did not come about without tension and friction. The princes and their scribes appear to have regarded their authority in a much more traditional light than modern historians, alert for origins of 'territorial' lordship and statehood, have been inclined to do (see chapters 3 and 11 on this). But wherever we look in the medieval German regions after 1100, the concretion of princely power involved intense competition, local feuds, and long histories of rivalry over the best claims and titles to the material and jurisdictional elements which made up the principalities and dominions (see chapter 12 for these frictions). In chapter 13 we can come back onto more familiar ground in surveying the principalities and a newer political landscape as they were taking shape within the old provinces of the German Empire. Here the intention is to delineate once more the interaction of dynasty, geography, ecclesiastical institutions, jurisdiction, colonization, and local politics with an *envoi* well into the fifteenth century. I also hope that my exposition of the nature of aristocratic dominion might possibly be of use to students of modern German history as well, in the sense that the territorial and political variety and apparent fragmentation of Germany reversed during the nineteenth century had obvious roots in the reformed command structures erected in the twelfth and thirteenth.

Although this work is aimed at one problem alone in German medieval history – the emergence of the principality – the primary- and secondary-source materials involved me in huge literatures concerning the political, legal, ecclesiastical, social, economic, and local history of Germany, to say nothing of diplomatic, onomastic, and genealogical studies. For a long time I had hoped to confine footnotes

solely to references to primary sources, intending to construct a bibliographical essay, admittedly a long one, to take care of the principal books in modern scholarship, the literature discussing the status and content of the primary sources, and the rich variety offered by the German and other periodical publications. However, the best advice I have received insists that since the subject is extremely complex as well as controversial, the relevant literature ought to be referable to the appropriate points in the text. This has caused many problems in deciding what to leave out. I believe that the number of items I have chosen could easily be doubled without exhausting worthwhile literatures on the various topics. In chapters 1, 2, and 10, for example, Frederick II and his policies feature prominently. But the bibliographical guide quite recently published on him and his descendants by Carl Willemsen, *Bibliographie zur Geschichte Kaiser Friedrichs II. und der letzten Staufer* (MGH Hilfsmittel, vol.8, Munich, 1986), exceeds 2,000 entries, and this before publication of David Abulafia's helpful *Frederick II. A Medieval Emperor* (London, etc., 1988). So it has been necessary to exercise selectivity. Nevertheless, I think that the present notes adequately substantiate my interpretations, even where quite general issues are discussed.

Political history need not be too dry if, as I hope, it is possible for the reader to keep the human movers of the game in sight, in this case the aristocracy of churchmen and lay magnates to be found throughout the medieval German regions. I think that Wallace Stevens may have had, amongst his many other mental riches, some similar notion about political society in mind when he wrote the following lines in his poem *Anecdote of Men by the Thousand*:[5]

> There are men of the East, he said,
> Who are the East.
> There are men of a province
> Who are that province.
> There are men of a valley
> Who are that valley.
>
> There are men whose words
> Are as natural sounds
> Of their places.

[5] W. Stevens, *Collected Poems*, London, 1953, p. 51.